

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method of encoding an audio signal by representing at least part of said audio signal by a plurality of sinusoids, the method comprising the steps of:

5    [[-]] performing an analysis on a first segment of said audio signal;

     [[-]] selecting candidate sinusoids based on said analysis;

     [[-]] defining for at least one of the candidate sinusoids a local frequency band around a frequency of said at least one candidate sinusoid's frequency sinusoid;

10    [[-]] combining amplitudes of frequency components within said local frequency band from which at least one of the candidate sinusoids within said local frequency band is excluded; and  
     [[-]] selecting said candidate sinusoid as a selected sinusoid in dependence on the combination of amplitudes.

2. (Currently Amended) ~~A~~ The method as claimed in claim 1, wherein a bandwidth of said local frequency band around the frequency of said at least one candidate sinusoid's frequency sinusoid is defined in dependence on the frequency of said at least one candidate sinusoid's frequency sinusoid.

3. (Currently Amended) ~~A~~ The method as claimed in claim 2, wherein said dependence on the frequency of said at least one

candidate ~~sinusoid's frequency~~sinusoid is based on a human's perception of audio.

4. (Currently Amended) A ~~The~~method as claimed in claim 1, wherein said candidate sinusoid is selected as a selected sinusoid when ~~its an~~an amplitude of said candidate sinusoid is significant with regard to said combination of amplitudes, ~~which said~~ significance ~~is being~~is being evaluated by thresholding a difference between the amplitude of said candidate ~~sinusoid's~~amplitude~~sinusoid~~ and a weighted mean amplitude of frequency components within the local frequency band of said candidate ~~sinusoid's local frequency band~~sinusoid from which at least one of the candidate sinusoids within said local frequency band is excluded.

5. (Currently Amended) A ~~The~~method as claimed in claim 1, wherein said candidate sinusoid is selected as a selected sinusoid when ~~its an~~an amplitude of said candidate sinusoid is significant with regard to said combination of amplitudes, ~~which said~~ significance ~~is being~~is being evaluated by thresholding a ratio of:  
[[-]] a difference between the amplitude of said candidate ~~sinusoid's amplitude~~sinusoid and a weighted mean amplitude of frequency components within the local frequency band of said candidate ~~sinusoid's local frequency band~~sinusoid from which at least one of the candidate sinusoids within said local frequency band is excluded; and

[[ -]] a weighted deviation of the amplitudes of frequency components within said local frequency band from which at least one of the candidate sinusoids within said local frequency band is excluded.

6. (Currently Amended) ~~A- The~~ method as claimed in claim 1, wherein the method further comprises a further selection out of the selected sinusoids which comprises the steps of:

[[ -]] determining for at least one of the selected sinusoids a phase consistency defined by an extent to which a phase of said selected sinusoid at a certain moment in time can be predicted from a phase of said selected sinusoid determined at another moment in time; and

[[ -]] further selecting said selected sinusoid as a further selected sinusoid when its phase consistency is above a predetermined threshold.

7. (Currently Amended) ~~A- The~~ method as claimed in claim 6, wherein the determination of the phase consistency of said selected ~~sinusoid's phase consistency~~sinusoid comprises the steps of:

[[ -]] segmenting a third segment of said audio signal into at least a first and a second part;

[[ -]] determining the actual phases of said selected sinusoid in at least the first and the second part;

[[ -]] using the actual phase in the first part to serve as the input for predicting the actual phase in the second part; and

10    [[-]]    determining the phase consistency of said selected  
~~sinusoid's phase consistency~~sinusoid based on a prediction error  
between the actual phase and the predicted phase in the second  
part.

8. (Currently Amended)    An audio encoder for encoding an audio  
signal by representing at least part of said audio signal by a  
plurality of sinusoids, the audio encoder comprising:

5    [[-]]    means for performing an analysis on a first segment of  
said audio signal;

[[-]]    means for selecting candidate sinusoids based on said  
analysis;

10    [[-]]    means for defining for at least one of the candidate  
sinusoids a local frequency band around a frequency of said at  
least one candidate ~~sinusoid's frequency~~sinusoid;

[[-]]    means for combining amplitudes of frequency components  
within said local frequency band from which at least one of the  
candidate sinusoids within said local frequency band is excluded;  
and

15    [[-]]    means for selecting said candidate sinusoid as a selected  
sinusoid in dependence on the combination of amplitudes.

9. (Currently Amended)    ~~An~~ The audio encoder as claimed in  
claim 8, wherein the audio encoder is ~~further conceived~~adapted to  
perform a further selection out of the selected sinusoids ~~for which~~  
~~further selection,~~ the audio encoder further ~~comprises~~comprising:

5 | [[-]] means for determining<sub>u</sub> for at least one of the selected  
sinusoids<sub>u</sub> a phase consistency defined by an extent to which a  
phase of said selected sinusoid at a certain moment in time can be  
predicted from a phase of said selected sinusoid determined at  
another moment in time; and

10 | [[-]] means for further selecting said selected sinusoid as a  
further selected sinusoid when its the phase consistency of said  
selected sinusoid is above a predetermined threshold.

10. (Currently Amended) ~~Audio~~ An audio system comprising:

\_\_\_\_\_ means for obtaining an audio signal<sub>r-i</sub>

\_\_\_\_\_ an audio encoder as claimed in claim 8 for encoding said  
audio signal to obtain an encoded audio signal<sub>r-i</sub> and

5 | \_\_\_\_\_ a formatting unit for formatting the encoded audio signal  
into a format suitable for storage and/or transmission.